

Message Text

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44

ACTION EB-11

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TO SECSTATE WASHDC 7350

INFO AMEMBASSY SINGAPORE

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E.?9. 11652: N/A

TAGS: ETRN MY

SUBJECT: CIVAIR: US-MALAYSIA NEGOTIATIONS

1. SUMMARY: US-MALAYSIA NEGOTIATIONS

1. SUMMARY: US-MALAYSIA NEGOTIATIONS CONCLUDED JULY 1, 1974 WITH AD REFERENDUM AGREEMENT ON AMENDMENT OF ARTICLES 1 B, 6 AND 13. MEMORANDUM OF CONSULTATION ALSO PROVIDED NEAR TERM ARRANGEMENTS FOR FLEXIBLE ACCESS TO KUALA LUMPUR FOR BOTH PASSENGER AND ALL CARGO SERVICES. ARRANGEMENTS ALSO INCLUDED NEAR TERM ALL CARGO SERVICE FOR MALAYSIAN CARRIER ON BASIS OF RECIPROCITY. ROUTE FOR MALAYSIA IN ROUTE SCHEDULE WAS DEFERRED. END SUMMARY.

2. IN SATURDAY AND MONDAY SESSIONS FINAL PROVISIONS WERE WORKED OUT BY TWO DELS IN REGARD TO TEXT CHANGES AND NEAR TERM OPERATIONAL NEEDS FOR RESPECTIVE CARRIERS. RE TEXT MALAYSIAN DEL REFUSED TO ACCEPT NEW PARA B OF ARTICLE 6 FOR USUAL REASONS BUT FINALLY ACCEPTED FIRST SENTENCE OF U.S. STANDARD FORM 6 B. RE ARTICLE 13 A MALAYSIANS WOULD NOT ACCEPT IN ITS ENTIRETY WASHINGTON PROPOSED REVISION BUT FINALLY AGREED COMPROMISE BY DELETING SECOND SENTENCE AND REPLACING BY FOLLOWING:
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"SUCH AIRLINE SHALL HAVE THE RIGHT TO SELL SUCH TRANSPOR-

TATION, AND ANY PERSON SHALL PURCHASE SUCH TRANSPORTATION IN CURRENCIES THAT ARE PERMITTED BY THE LAWS AND REGULATIONS OF THE CONTRACTING PARTY IN WHOSE TERRITORY THE SALES AND PURCHASES TAKE PLACE." ARTICLE 13 C WAS AMENDED AS REPORTED PREVIOUSLY.

3. CONCEPT OF NEAR TERM ARRANGEMENTS ON CARRIER OPERATIONS TO BE INCLUDED IN MEMCON WAS WORKED OUT ON BASIS THAT ROUTE SCHEDULE WOULD REMAIN INTACT WITH ROUTE FOR MALAYSIA DEFERRED. LANGUAGE IS PURPOSEFULLY VAGUE AS TO WHETHER U.S. OPERATIONS REPRESENT IMPLEMENTATION OF AGREEMENT BUT PRACTICAL NEAR TERM NEEDS ARE MET BY A ROUTING THAT GIVES PANAM ALL INTERMEDIATE AND BEYOND POINTS BETWEEN MALAYSIA AND U.S. MALAYSIAN DEL HAD WISHED TO BLIND SECTOR ALL SECTORS COMPETITIVE WITH MAS BUT, AFTER SUBSTANTIAL PRESSURE FROM US DEL, FINALLY AGREED TO ALLOW STOPOVER FOR CARRIER'S OWN TRAFFIC ON SUCH SECTORS WITH ADDITIONAL PROVISIO THAT ALL CARGO SERVICES WOULD HAVE FULL TRAFFIC RIGHTS ON DAYS MAS DOES NOT OPERATE.

4. SIMILAR ROUTING FLEXIBILITY AND LIMITATIONS PROVIDED FOR MAS ALL-CARGO SERVICE SUBJECT TO FINDING OF RECIPROCITY BY U.S. CAB. USDEL DOUBTS THAT MAS HAS ANY NEAR TERM ALL CARGO AMBITIONS BECAUSE MALAYSIAN DEL COULD NOT EVEN SPECIFY POINT IN U.S. IT WISHED TO SERVE. LANGUAGE MERELY STIPULATES "POINT ON WEST COAST."

5. PANAM REP APPEARS PLESED WITH DEAL. USDEL ADVISED MALAYSIAN DEL THAT PANAM WISHED IMPLEMENT SECOND ALL CARGO SERVICE IMMEDIATELY WITH PASSENGER SERVICE IN NEAR FUTURE. MALAYSIAN DEL SAID THIS POSED NO DIFFICULTY. UNDERHILL

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